

REMARKS

Interview Summary Record

Applicants' Representative gratefully appreciates the interviews with the Examiner (e.g. June 9 and 16, 2004) with respect to the above-identified application. The purpose of the interviews was to discuss the Notice of Abandonment mailed June 3, 2004. On June 16, 2004, the Examiner agreed to remove the Notice of Abandonment as being premature or improper. Thus, the Examiner's action in this regard removes the necessity of Applicants submitting a formal Petition to remove the Notice of Abandonment. Applicants' Representative appreciates the Examiner's cooperation in this matter.

Response to Notice of Abandonment

In view of the Examiner's withdrawal of the Notice of Abandonment as being improper (e.g. premature by one month), a formal Response is no longer required.

Status of the Claims

Claims 1-24 are pending in the present application. Applicants have provided a clean set of claims for the Examiner's convenience. No amendments have been introduced into the claims at this time. Thus, there is no issue of new matter or new issues raised by this Reply.

Election/Restriction

Process claim 24 has been withdrawn from consideration by the Examiner as directed to a non-elected invention. However, the Examiner is reminded of MPEP §821.04 entitled "Rejoinder", which expressly states that "...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined."

Accordingly, the Examiner is respectfully requested to rejoin process claim 24 upon allowance of the product claims.

Claim Rejections Under 35 USC 102/103

Claims 1-8, 11 and 17-20 are rejected by the Examiner under 35 U.S.C. 102(b)/103(a) over U.S. Patent 4,220,579 to Rinehart, U.S. Patent 4,239,862 to Matthews or U.S. Patent 4,311,628 to Abdou-Sabet et al. Claims 1-8, 11-13 and 17-20 are rejected by the Examiner under 35 U.S.C. 102(b)/103(a) over U.S. Patent 4,728,692 to Sezaki et al. or U.S. Patent 4,818,785 to Otawa et al. These rejections are respectfully traversed. Reconsideration and withdrawal thereof are requested.

The present invention as recited in claim 1 relates to a fully or partially crosslinked olefinic thermoplastic elastomer composition comprising 10 to 90 parts by weight of a crystalline

polyolefin (a), 90 to 10 parts by weight of an olefin-based copolymer rubber (b) (the total amount of the components (a) and (b) being 100 parts by weight) and 3 to 100 parts by weight of a paraffinic mineral oil softening agent (c) having an evaporation loss of 0.4% by weight or less at a condition of 200 °C, atmospheric pressure and 1 hour and having a kinetic viscosity (40 °C) of 50 to 250 cSt.

Response to Examiner's Comments in Advisory Action Mailed December 31, 2003

In the Advisory Action, the Examiner states as follows:

"... regarding the molecular weight of the prior art oils, it is noted that no molecular weight requirements are recited in the present claims. Further, no molecular weight information is provided for applicant's inventive oils to even do a one-to-one comparison. In order to show unexpected results, applicant must provide a one-to-one comparison of the prior art and applicant's composition with regard to the properties in the claim."

Claim 1 recites the functional property "a paraffinic mineral oil softening agent (c) having an evaporation loss of 0.4% by weight or less at a condition of 200°C,..." This component is obtained by cutting low molecular weight components from a commercially available paraffinic oil, such as PW-90. See Examples 1 and 2 in the present Specification. Example 1 teaches that the evaporation loss is made 0.22% by weight by distilling a paraffinic oil...to cut low molecular weight components by 20% by weight.

Accordingly, the desired evaporation loss is obtained by removing the low molecular weight components **in the paraffinic oil** to obtain the evaporation loss of 0.22% by weight. That is, the low molecular weight components are removed until the paraffinic oil has the claimed evaporation loss. Thus, the molecular weight of the claimed remaining portion of the paraffinic oil is not important.

Therefore, the Examiner's comments concerning molecular weight of the claimed invention are not at all relevant to the present invention. The molecular weight of the claimed remaining portion of the paraffinic oil is not important to the effect of the present invention (e.g. antifogging property).

In the Advisory Action, the Examiner further states:

"Finally the claims [sic] are not just rejected based on Rinehart and Matthews et al. The presently claim are also rejected based on Abdou-Sabet et al., Sezaki et al. and Otawa et al., individually."

The Examiner did not respond to Applicants' arguments that Matthews et al., Abdou-Sabet et al. and Sezaki are non-enabling references since the cited oils relied upon by the Examiner are not available and/or are not sufficiently described such that they can be obtained, tested and evaluated. The Examiner is respectfully requested to consider Applicants' arguments and to respond thereto.

Example 12 in Otawa et al. uses the process oil (produced by Idemitsu Kosan Co.: trade name PW 380) which is compounded in the

oil-extended rubber (A-1) used in Example 5 of the present application. See page 38, lines 2-3 from the bottom, of the specification.

The properties of PW 380 are indicated in Table below.

Table

		PW 380
kinetic viscosity	(cSt)	382
viscosity index		110
flash point	(°C)	300
pour point	(°C)	-15
density	(g/cm ³)	0.877
molecular weight		746
evaporation loss	(%)	0.05

Contrary to the position taken by the Examiner, the prior art references cited by the Examiner do not disclose or suggest a composition having the claimed properties. The invention uses paraffinic oil having an evaporation loss of 0.4% or less. Thus, the invention is novel since the prior art uses commercially available paraffinic oils having an evaporation loss of more than 0.4%.

The paraffinic oils described in the references have a molecular weight of 530-550 and have properties which are similar to those of Sun Par 150, Super Oil M100 and a paraffinic oil (c-3) of Idemitsu Kosan Co. known by the Tradename PW-90. Thus, the

commercially available paraffinic oils, such as Tufflo 6056 have an evaporation loss of more than 0.4%.

In summary, the claimed invention provides an olefinic thermoplastic elastomer composition having superior antifogging properties (e.g. low hazing property) by using a paraffinic oil having an evaporation loss of 0.4% or less. This is nowhere disclosed or suggested in the prior art. Therefore, in view of the remarks hereinabove, reconsideration and withdrawal of the prior art rejections are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Marc S. Weiner (Reg. No. 32,181) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a five (5) month extension of time for filing a reply in connection with the present application, and the required fee of \$2,010.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

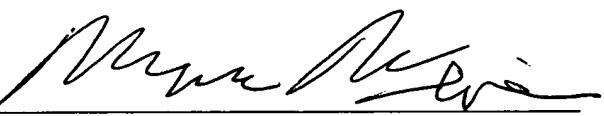
Appl. No. 09/779,558

required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By



Marc S. Weiner, #32,181
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

MSW/jmb
1254-0170P

Attachment(s)